

February 23, 1998

BILL ANALYSIS

TO: Members, Committee on Trade and Economic Development
FROM: Kenny Pittman, Research Analyst (786-7392)
RE: **2SSB 6168 - Developing housing for temporary workers.**

BACKGROUND:

The construction of buildings or structures in Washington is governed by the requirements of the State Building Code. The State Building Code Council, within the Department of Community, Trade, and Economic Development, is responsible for the development and revision of the State Building Code. The State Building Code consists of technical performance standards covering structural, mechanical, fire, safety, and energy conservation standards. These standards guide the construction, alteration, or repair of residential and non-residential buildings or structures. It has been argued that these performance standards are designed for buildings or structures that are occupied on a permanent and not a temporary basis.

In 1995, the Legislature directed several state agencies to work together to develop a temporary worker housing code. The new code would provide performance standards for the construction, alteration, or repair of housing that is occupied on a temporary basis and still meet basic health and safety requirements.

The State Building Code Council was directed to develop a temporary worker housing code by December 1, 1996. The temporary worker housing code must comply with the requirements of the Washington Industrial Safety and Health Act (WISHA) and rules adopted by the state Board of Health. The temporary worker housing code has been developed and delivered to the Legislature. The resultant legislation was vetoed by the Governor in 1997. As part of the veto message, the Governor directed affected state agencies and interest groups to work together to develop standards for the construction, alteration, or repair of temporary worker housing.

The Department of Health has general licensing authority for the

operation of farm worker labor camps. The Department of Labor and Industries has responsibility for enforcing the requirements of the WISHA as it relates to agricultural work places. The two departments are working together in the regulation of farm worker labor camps.

SUMMARY:

The Department of Health (DOH) is directed to adopt a temporary worker building code, by administrative rule, that conforms to the standards of the Washington Industrial Safety and Health Act (WISHA) and rules adopted by the state Board of Health. The temporary worker building code is designed to govern the construction, alteration, or repair of temporary worker housing and the construction of factory built housing used for temporary worker housing.

The temporary worker building code must provide standards for the use of innovative designs and materials, heating and insulation appropriate to the type of structure and length and season of occupancy, and minor variations provided health and safety standards are not compromised. The DOH's initial temporary worker building code must be substantially equivalent to the temporary worker building code developed by the State Building Code Council. The DOH is responsible for the enforcement responsibilities of the temporary worker building code.

By December 1, 1998, the Department of Labor and Industries must adopt rules requiring electricity in all temporary worker housing and establish standards to ensure safe storage, handling, and preparation of food.

The standards of the temporary worker building code may be used for the construction of factory built housing that is used solely for temporary workers.

A provision is added to the State Building Code to clarify that the construction, alteration, or repair of temporary worker housing is not subject to the requirements of the State building Code, but is governed by the codes developed and adopted by the DOH.

The DOH is responsible for issuing an annual license for the occupancy of temporary worker housing. Procedures are established to either suspend or revoke the occupancy license for failure to comply with the requirements adopted by the DOH. The DOH may assess civil fines for failure or refusal to obtain a license prior to occupancy. The civil fines may not exceed twice the cost of the required occupancy license and the on-site inspection for the first violation, or ten time the cost of the required occupancy license and the on-site inspection for second and subsequent violations within a five-year period.

The DOH is authorized to establish a building permit fee schedule

for the issuance of permits regarding the construction, alteration, or addition to temporary worker housing. The fee covers the costs of necessary plan review and on-site inspection to ensure compliance with the temporary worker housing code.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.